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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,693	05/04/2001	Stephen Robert Tomassetti	69491	8188

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EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,693

Applicant(s)

TOMASSETTI ET AL.

Examiner

Saleh Najjar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/24/01</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the application filed on May 4, 2001. Claims 1-24 are pending. Claims 1-24 represent a method directed toward control messaging for entertainment and communications network.

2. The disclosure is objected to because of the following informalities:

Page 1 of the specification is missing updated application data. Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukunaga et al., U.S. Patent no. 6,775,020.

Fukunaga teaches the invention as claimed including an asynchronous/isochronous bus transmission system (see abstract).

As to claim 1, Fukunaga teaches a control message structure for controlling communication between nodes on a peer-to-peer network. said control message structure comprising:

a preamble for bus arbitration (see fig. 21; col. 13, lines 30-40, Fukunaga discloses a control structure having a preamble for bust arbitration);

a destination address indicating a network address of a node to which a control message is being sent (see col. 4, lines 20-67, Fukunaga discloses that a packet includes a destination address header);

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a source address indicating a node as being a source of said message (see col. 15, lines 5-10, Fukunaga discloses that a packet includes a source address header field);

a payload containing said message; and a checksum for checking whether the received message is valid (see col. 15, lines 1-10, Fukunaga discloses that a packet includes a data payload and a checksum for error checking).

As to claim 2, Fukunaga teaches the control message structure as in claim 1, said control message structure further comprising:

payload size indicating a size of said message (see col. 15, line 9, Fukunaga discloses that a length code is present in packet).

As to claim 3, Fukunaga teaches the control message structure as in claim 2, wherein the preamble is a plurality of bytes of data (see col. 15, lines 1-60).

As to claim 4, Fukunaga teaches the control message structure as in claim 3- wherein each byte of the preamble contains one bit of a binary number pattern (see col. 13-15).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 5-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukunaga et al., U.S. Patent no. 6,775,020.

Fukunaga teaches the invention substantially as claimed including an asynchronous/isochronous bus transmission system (see abstract).

As to claim 5, Fukunaga teaches the control message structure as in claim 4.

Fukunaga does not explicitly teach the claimed limitation wherein the preamble is 10 bytes representing a 10-bit binary number.

However, "Official Notice" is taken that the concept and advantages of employing 10 bytes representing a 10-bit binary number is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fukunaga by specifying an arbitrary desired number of bytes in the preamble. One would be motivated to do so to comply with the arbitration time, memory addressing scheme size, and the speed of the bus.

As to claim 6, Fukunaga teaches the control message structure of claim 1 above. Fukunaga fails to teach the limitation wherein each of the destination address and the source address is one byte wide.

However, "Official Notice" is taken that the concept and advantages of employing 1 byte addressing scheme is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fukunaga by specifying 1 byte addressing scheme. One would be motivated to do so to comply with the arbitration time, memory addressing scheme size, and the speed of the bus.

As to claim 7, Fukunaga teaches the control message structure of claim 1.

Fukunaga fails to teach the limitation wherein the payload size is two bytes wide.

However, "Official Notice" is taken that the concept and advantages of employing two bytes to represent a length of a payload and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fukunaga by specifying an arbitrary desired number of bytes in the

to represent the payload. One would be motivated to do so to comply with the arbitration time, memory addressing scheme size, and the speed of the bus.

As to claim 8, Fukunaga teaches the control message structure of claim 1.

Fukunaga does not explicitly teach that the check-sum is a twos compliment sum of the payload less the preamble and the checksum itself.

However, "Official Notice" is taken that the concept and advantages of employing the check-sum as a twos compliment sum of the payload less the preamble and the checksum itself is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fukunaga by specifying the check-sum as a twos compliment sum of the payload less the preamble and the checksum itself is old and well known in the art. One would be motivated to do so to process a fewer number of bits per packet.

As to claim 9, Fukunaga teaches method of controlling communication between nodes of a peer-to-peer network- said method comprising the steps of:

monitoring activity on a control bus to determine when messages are being sent and to determine when said control bus is quiet (see col. 14, lines 55-60, Fukunaga discloses monitoring for the bus to become idle);

analyzing header information to determine to which node a control message is directed to when said control bus is determined to be carrying control message information, the node to which said control message is directed being a receiving node (see col. 14-16, Fukunaga discloses that packet fields are analyzed to determine the destination address and type of control packet); and

analyzing said message from said control message, said control message being analyzed by said receiving node (see col. 14-16).

Fukunaga does not explicitly teach that the packet is parsed. Fukunaga does teach that the packet fields are analyzed to determine the destination address and type of control packet (see col. 14-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fukunaga by specifying the analyzing as a parsing step since the same functionality of scanning the packet for predefined data is achieved.

As to claim 10, Fukunaga teaches the method as in claim 9, wherein monitoring activity on the control bus further comprises monitoring a control bus active signal (see col. 12-14).

As to claim 11, Fukunaga teaches the method of claim 10 above, wherein the act of analyzing comprises retrieving a preamble, a destination address, a source address and a message size (see col. 15, lines 1-10).

As to claim 12, Fukunaga teaches the method as in claim 11, wherein when the control bus active signal is asserted, said method further comprises the step of:

monitoring the preamble to determine if other nodes are in contention for said control bus (see col. 8-13):

As to claim 13, Fukunaga teaches the method of claim 9 above, wherein in the monitoring step when said control bus is determined to be quiet, said method further comprises the steps of:

sending a preamble; monitoring transmission of said preamble to determine if a collision has occurred, sending a balance of said message when a collision is determined not to have occurred; and releasing said control bus after said message has been sent and monitoring said bus (see col. 11-13).

As to claim 14, Fukunaga teaches the method as in claim 13, wherein the step of sending said message comprises sending a destination address, a source address, a payload size, a payload and a checksum (see col. 15, lines 1-10).

Claims 15-19 and 21-24 do not teach or define any new limitations above claims 1-14 and therefore are rejected for similar reasons.

As to claim 20, Fukunaga teaches the method as in claim 19, wherein a second address is reserved for a broadcast feature (see col. 13-16).

Fukunaga fails to teach that said address is reserved for a conference/intercom function, only a conference feature node being able to acquire the address reserved for said conference/intercom function.

However, "Official Notice" is taken that the concept and advantages of reserving an address for a conference/intercom function, only a conference feature node being

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able to acquire the address reserved for said conference/intercom function is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fukunaga by specifying an address for a conference/intercom function. One would be motivated to do so to provide a centralized conference management functionality and since the Fukunaga reference suggests that the bus system is used for audio video data transfers.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Saleh Najjar

Primary Examiner / Art Unit 2157